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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/057,400
Filing Date	JAN 24, 2002
First Named Inventor	PORTER
Group Art Unit	3682
Examiner Name	UNKNOWN
Attorney Docket Number	CPD 002CP-1

Total Number of Pages in This Submission

14

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PETITION FOR CORRECTED FILING DATE FAX RECEIVED
Remarks CONF. NO.: 1607		AUG 27 2002 PETITIONS OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

MICHAEL BOYER

Signature

Michael Boyer

Date

AUGUST 27, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#12

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIN THE APPLICATION OF:
CURTIS H. PORTER et al.ATTORNEY DOCKET:
OPD002CP-1SERIAL NO: 10/057,400
CONFIRMATION NO.: 1607

EXAMINER: UNKNOWN

FILED: January 24, 2002

ART UNIT: 3682

TITLE: "Adjustable Pedal Assembly"

MOBERLY, MISSOURI
Date: August 27, 2002FAX RECEIVED
AUG 2 / 2002
PETITIONS OFFICE**PETITION FOR A CORRECTED FILING DATE AND ISSUANCE OF A
SECOND UPDATED FILING RECEIPT**Via Facsimile 703 308-6916Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231
Petitions Attorney – Christina Tartara Donnell

Applicants received an Updated Filing Receipt, mailed on July 23, 2002, that indicates the instant application has a filing date of June 05, 2002. Applicants respectfully submit that the filing date set forth on the Updated Filing Receipt is incorrect, and hereby Petition For A Corrected Filing Date And Issuance Of A Second Updated Filing Receipt that indicates the instant application has a filing date of January 24, 2002.

On February 20, 2002 a Notice to File Missing Parts of Nonprovisional Application – Filed Under 37 C.F.R. 1.53(b) – Filing Date Granted (emphasis added-copy attached), was mailed to Applicants. The Notice indicated that the oath/declaration was unsigned and substitute drawings in compliance with 37 C.F.R. 1.84 were required. The Notice held that Figures 9A through 9C appear to

have been omitted from the application. It is noted that the originally filed specification refers to Figures 9A, 9B and 9C and the originally filed drawings included a sheet labeled as Fig 9 that included three figures. That is, the three figures on the sheet labeled as Fig 9 should have been labeled as Figs 9A, 9B and 9C.

A Response To The Notice Of Missing Parts Of Application – Filing Date Granted, was filed on March 06, 2002 (copy attached). The Response included a signed oath/declaration, Petition to Make Drawing Changes (i.e., in order to label the three figures on originally filed Figure 9 as Figures 9A, 9B and 9C), along with a request to hold the requirement for formal drawings in abeyance and a request to maintain the original filing date (January 24, 2002) since no new matter was added by merely labeling the three originally filed drawings on Figure 9 as Fig 9A, 9B and 9C.

No response from the USPTO was received to Applicants' Petition to Make Drawing Changes so on May 14, 2002 Applicants filed a Supplemental Response that included a set of formal drawings (copy without drawings attached). The formal drawings included the Changes set forth in the previously submitted Petition to Make Drawing Changes (i.e., to label originally submitted Fig 9 as Fig 9A, 9B and 9C). The Supplemental Response also authorized the USPTO to charge any extension of time fees to Deposit Account No. 15-0680.

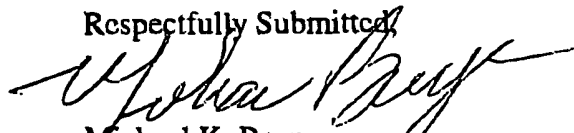
On July 14, 2002 the USPTO issued a Decision Dismissing Petitions (copy attached) which indicated that Applicants March 06, 2002 Response to the Notice Of Missing Parts Of Application – Filing Date Granted was being treated as: (1) a petition under 37 C.F.R. 1.53 requesting that the above-identified patent application be accorded a filing date of January 24, 2002, and (2) a petition under 37 C.F.R. 1.183 seeking a waiver of 37 C.F.R. 1.84. The Decision held that: "It is obvious from the petition that no drawing was actually missing on January 24, 2002". Since no drawing was missing on January 24, 2002 and formal drawings were submitted within the allowed time (including extensions thereof), Applicants respectfully submit that the instant application is entitled to the original filing date of January 24, 2002.

For these reasons, Applicants respectfully submit that the Updated Filing Receipt, mailed on July 23, 2002 incorrectly states the filing date, and hereby request issuance of a second Updated Filing Receipt that indicates the instant application has a filing date of January 24, 2002.

Should there be any other fee due with this Petition or otherwise due in connection with this Application, please also charge the same to Deposit Account

No. 15-0680. Should an Extension of Time be necessary, Applicants hereby request an extension of time and that the fees for such an extension be charged to Deposit Account No. 15-0680. Should the Examiner deem that any further action on the part of Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



Michael K. Boyer
Attorney for Applicants
USPTO Reg. No. 33,085
Tel: 660 269-4536
Fax: 660 269-4530
email: mboyer@orscheln.com

Encl.: Certificate of Facsimile Transmission
Notice to File Missing Parts – Filing Date Granted
Response to Notice
Supplemental Response
Decision Dismissing Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 2 | 2002

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

Paper No. 8

 ORSCHELN MANAGEMENT CO
 2000 US HWY 63 SOUTH
 MOBERLY MO 65270

COPY MAILED

JUN 14 2002

OFFICE OF PETITIONS

 In re Application of
 Porter et al.
 Application No. 10/057,400
 Filed: January 24, 2002
 Attorney Docket No. OPD002CP-1

 DECISION DISMISSING
 PETITIONS

FAX RECEIVED

AUG 27 2002

PETITIONS OFFICE

This is a decision on the communication captioned "Response to Notice of Missing Parts of Application - Filing Date Granted," filed March 18, 2002, which will be treated as (1) a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of January 24, 2002, with Figures 9A through 9C, as part of the original disclosure; and, (2) a petition under 37 CFR 1.183, seeking a waiver of 37 CFR 1.84, requiring submission of substitute drawings.

Petition Under 37 CFR 1.53:

On January 24, 2002, applicants filed the above-identified application. However, on February 20, 2002, the Office of Initial Patent Examination mailed a Notice of Missing Parts of Nonprovisional Application, stating that the oath or declaration was unsigned and that Figures 9A through 9C described in the specification appeared to have been omitted from the application. The Notice of Missing Parts indicated that applicants must submit a surcharge for late filing of an oath/declaration and substitute drawings in compliance with 37 CFR 1.84 to avoid abandonment. The Notice of Missing Parts set a shortened statutory period of two (2) months for reply. Extensions of time to respond were permissible under 37 CFR 1.136(a).

In response, on March 18, 2002, applicants filed the present petition, an executed declaration with the surcharge, a petition to make drawing corrections, and one (1) sheet of drawings relabeling Figure 9 as Figures 9A through 9C. Applicants explained that Figures 9A through 9C were not omitted on January 24, 2002, but were labeled only as Figure 9 (i.e. references to Figure 9A, 9B and 9C were omitted). A review of the record reveals that the Office received drawing sheet labeled "Figure 9" with the original application papers.

It is obvious from the petition that no drawing was actually missing on January 24, 2002. Rather, the drawings of Figures 9A through 9C was simply unlabeled as a result of applicants' filing error. However, the Notice of Missing Parts mailed February 20, 2002, was correct in stating that Figures 9A through 9C described in the specification appeared to have been omitted. Therefore, the requirement for the submission of omitted Figures 9A through 9C set forth in the Notice of Missing Parts was proper and will not be withdrawn.

Accordingly, the petition under 37 CFR 1.53 is dismissed.

Petition Under 37 CFR 1.183:

In the present petition, applicants "traverse the instant application being characterized as informal." Petition dated 3/18/02 p. 1. "In response to the margins of the drawings, Applicants respectfully request that the requirement for formal drawings be held in abeyance until a Notice of Allowance is mailed." Id.

Pursuant to 37 CFR 1.84, an applicant is required to submit acceptable drawings that are correct and reproducible. Further, Section 507 of the Manual of Patent Examination Policy explains:

The Office has revised the drawing review process to implement the eighteen-month publication of patent applications. Under the revised drawing review process, the Office of Initial Patent Examination (OIPE) will perform an initial review of drawings in new utility and plant patent applications filed on or after November 29, 2000 to see if the drawings can be effectively scanned for publication purposes. . . .

OIPE inspects the drawings to see if they can be effectively scanned and adequately reproduced. If the drawings are not acceptable, OIPE will object to the drawings and notify applicant that a timely submission of acceptable drawings (e.g., drawings which can be scanned) is required. This initial review process in OIPE is necessary in order to ensure that applications can be timely published.

* * *

If OIPE objects to the drawings and sends applicant a Notice requiring submission of corrected drawings within a set time period (usually two months), corrected drawings must be filed, in paper, to the mailing address set forth in the Notice, along with any other items required by OIPE, to avoid abandonment of the application. . . .

In the present petition, applicants have failed to demonstrate that an extraordinary situation exists, where justice requires waiver of the requirement for substitute drawings in compliance with 37 CFR 1.84, within the time period set for in the Notice of Missing Parts. Thus, the requirement for corrected drawings will not be held in abeyance.

Accordingly, the petition under 37 CFR 1.183 is dismissed.

The fees for filing two (2) petitions, totaling \$260.00, will be charged to Deposit Account No. 15-0680 because the petitions were not necessitated by any error on the part of the United States Patent and Trademark Office.

Applicants must submit substitute drawings in compliance with 37 CFR 1.84 within TWO (2) MONTHS of the date of this decision in order to avoid abandonment of the application. The period for response is not extendable. See 37 CFR 1.181(f)

Page 3

Application No. 10/057,400

The application is being returned to the Office of Initial Patent Examination for further processing and to await the submission of substitute drawings in compliance with this decision and the requirements of 37 CFR 1.84.

Any inquiries related to this decision should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Beverly M. Flanagan

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:
CURTIS H. PORTER et al.

ATTORNEY DOCKET:
OPD002CP-1

SERIAL NO: 10/057,400
CONFIRMATION NO.: 1607

EXAMINER: UNKNOWN

FILED: January 24, 2002

ART UNIT: UNKNOWN

TITLE: "Adjustable Pedal Assembly"

MOBERLY, MISSOURI
Date: MARCH 06, 2002

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AUG 2 / 2002

PETITIONS OFFICE

RESPONSE TO NOTICE OF MISSING PARTS OF APPLICATION
-Filing Date Granted-

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

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AUG 27 2002

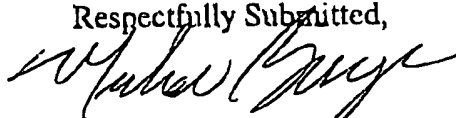
PETITIONS OFFICE

In response to the Notice of Missing Parts of Application mailed on February 20, 2002 (copy attached), please find attached hereto a Declaration and Power of Attorney for Patent Application for the above-identified patent application. A check in the amount of one-hundred thirty dollars (\$ 130.00) to cover the filing fees in accordance with 37 C.F.R. 1.16(e) is also attached hereto.

Applicants respectfully traverse the instant application being characterized as informal. In response to the margins of the drawings, Applicants respectfully request that the requirement for formal drawings be held in abeyance until a Notice of Allowance has been mailed. In response to the omitted Figures 9A through C, please find attached hereto a Petition to Make Drawing Changes. Figures 9A through C were submitted with the original application; but were labeled only as Figure 9 (i.e., reference to A, B and C was omitted). Applicants respectfully submit that since Figures 9A through 9C were part of the originally filed patent application it is appropriate that this application maintain a filing date of January 24, 2002.

Should there be any fee due in connection with this Application, please charge the same to Deposit Account No. 15-0680 (Orscheln Management Company). Should there be any questions regarding the attached Declaration, please telephone Applicants' attorney.

Respectfully Submitted,



Michael K. Boyer
Attorney for Applicants
USPTO Reg. No. 33,085
tel: 660 269-4536
fax: 660 269-4530
email: mboyer@orscheln.com

Encl.: Declaration and Power of Attorney
Check for \$130.00
Certificate of First Class Mailing
Authorization to Charge Deposit Account
Petition To Make Drawing Changes

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:
CURTIS H. PORTER et al.

ATTORNEY DOCKET:
OPD002CP-1

SERIAL NO: 10/057,400
CONFIRMATION NO.: 1607

EXAMINER: UNKNOWN

FILED: January 24, 2002

ART UNIT: UNKNOWN

TITLE: "Adjustable Pedal Assembly"

MOBERLY, MISSOURI
Date: May 14, 2002

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AUG 27 2002

PETITIONS OFFICE

SUPPLEMENTAL RESPONSE TO NOTICE TO FILE CORRECTED
APPLICATION PAPERS-Filing Date Granted-
SUBMISSION OF FORMAL DRAWINGS

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Further to the Response and Petition to Make Drawing Corrections that were filed on March 06, 2002 and in response to the Notice of Missing Parts of Application mailed on February 20, 2002 (copy attached), please find attached hereto a set of replacement drawings (seven (7) sheets - Figures 1 through 10).

Should there be any other fee due with this Response or otherwise due in connection with this Application, please also charge the same to Deposit Account No. 15-0680. Should an Extension of Time be necessary, Applicants hereby request an extension of time and that the fees for such an extension be charged to Deposit Account No. 15-0680. Should the Examiner deem that any further action

on the part of Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



Michael K. Boyer
Attorney for Applicants
USPTO Reg. No. 33,085
tel: 660 269-4536
fax: 660 269-4530
email: mboyer@orscheln.com

Encl.: 7 Sheets of Drawings

Transmittal Form

Copy of Notice to File Missing Parts of Non-provisional Application



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/057,400	01/24/2002	Curtis H. Porter	OPD002CP-1

ORSCHELN MANAGEMENT CO
2000 US HWY 63 SOUTH
MOBERLY, MO 65270

CONFIRMATION NO. 1607

FORMALITIES LETTER

OC000000007503376

Date Mailed: 02/20/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) Fig. 9A through 9C described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in

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PETITIONS OFFICE

the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Haimanot Tsegbaru
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

P18/REV01